

REMARKS

This amendment is responsive to the Office Action issued August 9, 1996. Re-examination and reconsideration of the application is respectfully requested.

The Office Action

Claims 1-13 stand allowed.

Claims 14-17 stand rejected under 35 U.S.C. §103 as being unpatentable over Matsutani (U.S. Patent No. 4,875,485) in view of LeVeen (U.S. Patent No. 4,230,129).

Claims 15-17 stand rejected under 35 U.S.C. §112, second paragraph.

The **Oath/Declaration** stands objected to by the Examiner.

The Non-Art Rejections

Claims 14 and 16 have been amended to overcome the Examiner's rejections regarding references to "said patient transport", "said open gap" and "said gap." Therefore, **claims 14-17** meet the statutory requirements of 35 U.S.C. §112, second paragraph.

Supplemental Reissue Declaration

Applicants have submitted a **SUPPLEMENTAL REISSUE DECLARATION**, along with this paper, which overcomes the Examiner's objections to the Oath/Declaration.

The Present Application

The present application describes a MR apparatus defining a MRI image volume within a gap between upper and lower horizontal poles. The gap is open about at least three sides. The MR apparatus includes a movable patient transport having rollers supporting a horizontal patient

bed. The structure permits substantially adjacent patient access along a side of the patient while the patient is positioned within the MRI image volume.

One embodiment of the present application discloses a C-magnet housing the horizontal poles and having a ferrous flux path between the opposite pole faces.

The Prior Art of Record

Matsutani teaches an MR system with a patient bed having an opening under the support of the patient bed allowing the bed to be positioned over a lower pole of the MR system. However, Matsutani fails to disclose an NMR polarizing magnet housing horizontal poles. Instead, Matsutani discloses a pair of solenoid magnets, disposed adjacent to each other, with no flux path other than the ambient air.

LeVeen discloses a radio frequency electromagnetic radiation device having a table with two supporting structures and an opening defined under the table for allowing the table to be positioned over the scanner. LeVeen is not concerned with an NMR polarizing magnet.

The Claims Distinguish Over the Cited References

Independent **claim 14** of the present application calls for an MRI system including an NMR polarizing magnet having opposed upper and lower horizontal poles defining a MRI image volume within a gap between the poles. The gap is to be open about at least three sides. Matsutani, which merely discloses a pair of solenoid magnets, fails to disclose an NMR polarizing magnet as called for in **claim 14**. LeVeen also fails to disclose such a magnet. Therefore, **claim 14** (along with **claim 15** which depends therefrom) distinguishes over the combination of Matsutani and LeVeen.

Independent **claim 16** calls for a method for positioning a patient for MRI using an NMR polarizing magnet with a C-shaped cross-section. Neither Matsutani nor LeVeen discloses a C-shaped NMR polarizing magnet. Therefore, for the reasons stated above, **claim 16** (along with **claim 17** which depends therefrom) distinguishes over the combination of Matsutani and LeVeen.

CONCLUSION

For the reasons set forth above, it is submitted that independent **claim 1** (along with **claims 2-4** which depend therefrom), independent **claim 5** (along with **claims 6-11** which depend therefrom), independent **claim 12** (along with **claim 13** which depends therefrom), independent **claim 14** (along with **claim 15** which depends therefrom) and independent **claim 16** (along with **claim 17** which depends therefrom) distinguish patentably over the cited references and meet the other statutory requirements. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, BEALL,
FAGAN, MINNICH & MCKEE

Thomas E. Kocovsky, Jr.
Reg. No. 28,383
1100 Superior Avenue
Suite 700
Cleveland, OH 44144-2518
(216) 861-5582

CERTIFICATE OF MAILING

I hereby certify that the foregoing REISSUE AMENDMENT A is being deposited with the United States Postal Service as first class mail, in an envelope addressed to: Assistant Commissioner For. Patents, Washington, D.C. 20231, on this 8th day of November, 1996.

By Dee R. Darrigo
Dee R. Darrigo